IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

WP(C).No. 5183 of 2007(P)

PETITIONER:

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1. MAHESWARAN A, CLASS IV GRADE II (ON CONTRACT), THE KEALA STATE WAREHOUSING CORPORATION, STATE WARE HOUSE, EROOR, RESIDING AT CHALUNKAL NIKARTH, ERAMALLOOR P.O, CHERTHALA 688 537.

2. SANTHOSH V.P,CLASS IV GRADE II, ON CONTRACT), THE KERALA STATE WAREHOUSING CORPORATION, STATE WARE HOUSE,TRIPUNITHURA, RESIDING AT VADAKKE PALAKKAVIL CHIRA, OLATHALA, PATTANAKKADU P.O CHERTHALA 688 531.

3. ANISH P.S, CLASS IV GRADE II, (ON CONTRACT)THE KERALA STATE WAREHOUSING CORPORATION, STATE WARE HOUSE, THAKAZHY,RESIDING AT PUTHANTHANTHARA, ANDHAKARANAZHY P.O, CHERTHALA 688 531.

4. N.P.SURESH KUMAR,CLASS IV,GRADE II, (ON CONTRACT) THE KERALA STATE WAREHOUSING CORPORATION, STATE WARE HOUSE,EROOR,RESIDING AT NIVARATHIL HOUSE, ANDHAKARANAZHY P.O, CHERTHALA 688 531.

5. G.RAMESH, CLASS IV GRADE II(ON CONTRACT) THE KERALA STATE WAREHOUSING CORPORATION, STATE WARE HOUSE, THIRUVANANTHAPURAM, RESIDING AT PLAVILA PUTHEN VEEDU, NEAR THYKKAPALLY, BALARAMAPURAM P.O., THIRUVANANTHAPURAM - 695 501.

6. V.SABU, CLASS IV GRADE II (ON CONTRACT) THE KERALA STATE WAREHOUSING CORPORATION, STATE WARE HOUSE, KAYAMKULAM, RESIDING AT ATTAKKUZHY NIKARATH, VARANAD P.O., C M C 6, CHERTHALA.

7. S.JAYADEVAN,
CLASS IV GRADE II (ON CONTRACT), THE KERALA STATE WAREHOUSING CORPORATION, STATE WARE HOUSE, ALUVA-CHOONDY, RESIDING AT KURISUNKAL, KADAKKARAPPALLY P.O., CHERTHALA.

8. G.A.JAYAPPAN,
CLASS IV GRADE II (ON CONTRACT), THE KERALA STATE WAREHOUSING CORPORATION, STATE WARE HOUSE, THIRUVALLA, RESIDING AT PUTHUVAL NIVARTH (PUTHENKARY) GOWRI GARDENS, C M C 3, CHERTHALA.

9. A.C.JAYESH,
CLASS IV GRADE II (ON CONTRACT), THE KERALA STATE WAREHOUSING CORPORATION, STATE WARE HOUSE, THRIPUNITHURA, RESIDING AT ASHALAYAM, THAICKAL PO, CHERTHALA.

10. G.GISSMON,
CLASS IV GRADE II (ON CONTRACT), THE KERALA STATE WAREHOUSING CORPORATION, STATE WARE HOUSE, ALAPPUZHA, RESIDING AT ULLADAN CHIRAYIL, KADAKKARAPPALLY, CHERTHALA.

11. K.RATHNAPPAN, (CLASS IV GRADE II),
THE KERALA STATE WAREHOUSING CORPORATION, STATE WARE HOUSE, THRIPUNITHURA, RESIDING AT THURAVOOR SOUTH P.O., CHERTHALA.

BY ADV. SRI.K.RAMAKUMAR
SMT.T.O.RAJITHA
SRI.A.SAMEER
SRI.M.MANOJKUMAR (CHELAKKADAN)

RESPONDENTS:
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1. THE KERALA STATE WAREHOUSING CORPORATION
ERNAKULAM, REPRESENTED BY ITS MANAGING DIRECTOR.

2. THE BOARD OF DIRECTORS OF THE KERALA
STATE WAREHOUSING CORPORATION, ERNAKULAM,
REPRESENTED BY ITS CHAIRMAN.

3. LT. COLONEL (RETIRED) K.G.RAMACHANDRAN,
MANAGING DIRECTOR, THE KERALA STATE WAREHOUSING CORPORATION, ERNAKULAM.

BY ADV. SRI.MAJNU KOMATH, SC, K.S.W.C.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXTS:-

EXT.P1	TRUE COPY OF ORDER DATED 03/02/2007 ISSUED BY THE RESPONDENT CORPORATION TO ONE OF THE PETITIONERS.

\\TRUE COPY//

THOTTATHIL B. RADHAKRISHNAN, J

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W.P.(C).No.5183 of 2007 (P)

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Dated this the 2nd day of April, 2006

J U D G M E N T

According to the petitioners, they were daily waged workers of the first respondent and on the basis of the decision of the Board of Directors of the first respondent, in April 2006, they were put on contract basis for six years. By the impugned decision, their services have been terminated. As of now, even according to the learned counsel for the first respondent, the petitioners are permitted to continue to work, till appropriate recruits join on the basis of recruitment through Employment Exchange.

2. While there is clash of contentions, as to the transparency of the contract appointments and also the propriety of the termination orders, I find no legal infirmity in the authorities having decided to terminate the engagement of the petitioners, particularly, when whatever little grievance they would have regarding absence of pre-decisional notice or pay in lieu of notice stands satisfied by the fact that the petitioners are continuing in service, awaiting availability of the recruits through Employment Exchange.

3. The petitioners being only contract appointees and because the first respondent is a public authority dealing with public funds, it was obviously inappropriate to make contract appointments on long term basis, that too, merely with the intention to put daily rated workers on continuous engagement. This exercise, in fact, deprives the open market, unemployed, numerous, including the down-trodden, from competing and entering the field of public employment. Whatever be the legal arguments, justice in the situation does not advise upholding the continued retention of the petitioners. The impugned decision, terminating their engagement cannot be found fault with.

While recording the submission that the petitioners will be let to continue till regular recruits join on selection through Employment Exchange or by other modes of transparent selection after proper advertisement, this writ petition is dismissed, without prejudice to such continuance of the petitioners.

THOTTATHIL B.RADHAKRISHNAN
Judge

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